

BARRY J. PORTMAN
Federal Public Defender
ANGELA M. HANSEN
Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
San Jose, CA 95113
Telephone: (408) 291-7753

Counsel for Defendant JAY DAVID HEMM

E-FILED - 12/6/05

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-05-00559-RMW
)	
Plaintiff,)	STIPULATION AND
v.)	ORDER TO CONTINUE STATUS
)	HEARING
)	
JAY DAVID HEMM)	
)	
Defendant.)	
_____)	

Defendant, Jay David Hemm, through his counsel, Assistant Federal Public Defender Angela M. Hansen, and government counsel, Assistant United States Attorney Gary Fry, stipulate and agree to continue the status hearing date of December 5, 2005 to January 9, 2006 at 9:00 a.m.

The parties request to continue this case because counsel for Mr. Hemm has requested additional discovery that the government has agreed to provide. Once government counsel provides this information, defense counsel will need time to review it with her client. Additionally, Mr. Hemm is facing charges in Santa Clara County for offenses related to this case. Mr. Hemm has a court appearances over the next month, and he would like to have his status in this case follow his appearances in state court so that both cases can potentially be resolved together. For these reasons, the parties stipulate and agree to continue this case until January 9, 2006.

The parties further stipulate and agree that time should continue to be excluded under

1 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) because the ends of justice served by the continuance
2 requested outweigh the best interest of the defendant and the public in a speedy trial because the
3 failure to grant such a continuance would unreasonably deny Mr. Hemm the time necessary for
4 effective preparation.

5
6 November 30, 2005

_____/S/_____
ANGELA M. HANSEN
Assistant Federal Public Defender

7
8
9 November 30, 2005

_____/S/_____
GARY FRY
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-05-00559-RMW
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Plaintiff,)	ORDER TO
v.)	CONTINUE STATUS HEARING
)	
JAY DAVID HEMM)	
)	
Defendant.)	
_____)	

Pursuant to the stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED that the status hearing date of December 5, 2005 is continued until January 9, 2006 at 9:00 a.m. It is FURTHER ORDERED that time will continue to be excluded under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for defense preparation.

Dated: December 6, 2005

/S/ RONALD M. WHYTE
HONORABLE RONALD M. WHYTE
United States District Judge

1 Distribute to:

2 Ms. Angela M. Hansen
3 Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
4 San Jose, CA 95113
Counsel for Defendant

5 Mr. Gary Fry
6 Assistant United States Attorney
150 Almaden Blvd., Suite 900
7 San Jose, CA 95113
Counsel for the United States